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UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

Group:

Attorney Docket #: 576B

In re:

Applicant(s): OETTEL, M., et al

Serial No.: 10/729,487

Filed: 12/05/2003

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION AND REQUEST PURSUANT
TO PATENT RULE 47 FOR ACCEPTANCE OF APPLICATION WITHOUT
THE SIGNATURE OF ONE OF THE INVENTORS**

April 26, 2004

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Reference is made to the Notice to File Missing Parts of a non-provisional application dated January 16, 2004.

Applicant now submits herewith signed declaration papers executed by all of the inventors except for the inventor WILDT.

With respect to the inventor WILDT, applicant herewith states that a diligent effort was made to obtain the signature of Dr. WILDT, who can not be found or reached despite diligent effort.

MAIL STOP MISSING PARTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 4/26/04
On _____

In support thereof, applicant now submits herewith a Declaration mutually signed by Messrs. Eva-Maria Cramer and Uta Pilchowski, who are employed by the Patent Department of the owner of the subject application, Jenapharm GmbH & Co. KG. Eva-Maria Cramer is the head of the Patent Department and Uta Pilchowski is a member of Patent Department of Jenapharm GmbH & Co. KG, and together they had the responsibility of obtaining the signatures of the inventors to the application papers.

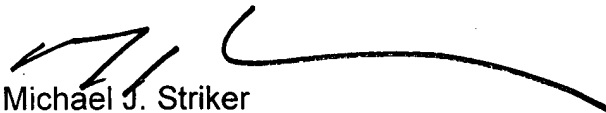
The attached Declaration appears to be essentially self-explanatory. Summarized, Messrs. Cramer and Pilchowski mailed the application papers to which the Declaration was attached to Dr. WILDT at his last known address of employment, as well as his last known residential address. In both cases, the papers were returned as undeliverable. Additionally, Messrs. Cramer and Pilchowski wrote to the local governmental authorities, paying a fee in order to ascertain the last known address of the missing inventor WILDT. The application papers were in fact correctly sent to the last known address given by the governmental authorities.

Accordingly, it is believed that a diligent effort was made to find or reach the missing inventor and that therefore the application should receive a filing date, despite the fact that this inventor did not sign the application papers.

The last known address for the missing inventor, Dr. Ludwig Wildt, is Hauendorfer Strasse 2b, 91974 Herzogenaurach-Hauendorf, Germany.

It is requested that any fee the fee be debited to the account of the undersigned, #19-4675.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long, sweeping horizontal line that curves upwards at the end.

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743



DECLARATION

We, EVA-MARIA CRAMER and UTE PILCHOWSKI, hereby declare that we are employed by the Patent Department of Jenapharm GmbH & Co. KG of Jena, Germany which is the owner of U.S. Patent Application Serial No. 10/729,487.

We are aware that on or about December 5, 2003, United States Continuation in Part Patent Application Serial No. 10/729,487 was filed without signature.

We are further aware that all signatures to the Continuation in Part declaration for the subject application have now been obtained, except for the signature of the inventor Professor Dr. Ludwig Wildt.

It is the purpose of this Declaration to establish that a diligent effort was made to find or reach Dr. Wildt, who could not and cannot be located.

On February 2, 2004, we wrote Dr. Wildt at the University of Erlangen where he at one time taught. A copy of our letter and a translation thereof is attached hereto, marked as Exhibit A. We were subsequently informed that Dr. Wildt had left the university and therefore the letter was returned.

Attached hereto as Exhibit B is a copy of the front page of the envelope returning the letter sent to the University bearing the German word "Ausgeschieden", which may be translated as "no longer here" or "left here."

On or about February 25, 2004, we sent a fax to the City Administration of the City of Herzogenaurach. A copy is attached hereto as Exhibit C, together with a translation thereof.

On or about March 5, 2004, we received a response from the City of Herzogenaurach, indicating the last known address of Dr. Wildt as Haundorfstrasse 2B, 91074 Herzogenaurach. A copy of this letter and a translation are attached as exhibit D.

Already on February 17, 2004, we had written to Dr. Wildt at this address, and a copy of our letter and translation are attached as Exhibit E.

Further attached as Exhibit F is a copy of the front of the envelope returning the letter to us as undeliverable.

We are not aware of any other address for Dr. Wildt.

We further confirm that when the Declaration and assignment documents were in each event sent to Dr. Wildt for signature, the Declaration was attached to a copy of the Continuation in Part application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: April 19, 2004

Eva-Maria Cramer
EVA-MARIA CRAMER

Dated: April 19, 2004

Ute Pilchowski
UTE PILCHOWSKI

Universität Erlangen
Prof. Dr. Ludwig Wildt
Gynäkologische
Endokrinologie & Reproduktionsmedizin
Universitätsstraße 21-23

91054 Erlangen

⇒ kein Brief, Prof. Wildt!

Um Ausgeschickten

→ Versuch über Privatadresse (k. Eintrag im Telefonbuch!)

Jena, den 02. Februar 2004
Cra/Telefon: (0 36 41) 64 62 21

10. 7. 2004 / 5. 10. 2004

Neue US – CIP-Anmeldung zur US-Patentanmeldung 09/291,385
auf der Basis der internationalen Anmeldung PCT/DE99/00355
“PHARMACEUTICAL PREPARATIONS FOR TREATING SIDE EFFECTS DURING
AND/OR AFTER GnRHa THERAPY“
Jenapharm GmbH & Co. KG

Sehr geehrter Professor Wildt,


auf Basis der o.g. US-Patentanmeldung wurde eine 'Continuation-in-part (CIP) application' eingereicht.

Unser Korrespondenzanwalt übersandte dazu einige Formalpapiere, die von den Erfindern zu unterzeichnen sind. In der Anlage finden Sie je zwei Exemplare des Assignments und der Declaration. Bitte unterschreiben Sie in BLAU, mit vollem Vor- und Zunamen sowie Datum an den markierten Stellen und senden Sie uns jeweils beide Exemplare zurück.

Für die Rücksendung der Unterlagen haben wir einen Freiumschlag beigelegt.

Mit freundlichen Grüßen

Jenapharm GmbH & Co. KG

i. V. 

Eva-Maria Cramer

i. A. 

Ute Pilchowski

Jenapharm

To:
University of Erlangen
Prof. Dr. Ludwig Wildt
Gynecological,
Endocrinological & Reproductive Medicine
Universitätsstrasse 21-23
Erlangen

February 2, 2004

*(handwritten comments: Letter was returned; Prof. Wildt has left the university.
Try to locate his home address.)*

**New US – CIP Application for U.S. Patent Application 09/291,385 based on
International Application PCT/DE99/00355
“PHARMACEUTICAL PREPARATIONS FOR TREATING SIDE EFFECTS
DURING AND/OR AFTER GnRH α THERAPY”
Jenapharm GmbH & Co. KG**

Dear Professor Wildt,

A “continuation in part” (CIP) application has been submitted based on the
above-mentioned U.S. patent application.


Our correspondent attorney has mailed some formal paperwork on this matter
that must be signed by the inventor. Attached please find two copies of the
Assignments and Declaration. Please sign them in blue ink, with your full first and
last names, including the date, on the lines indicated, and return both copies to
us.

An envelope is enclosed for your convenience.

Sincerely,

Jenapharm GmbH & Co. KG

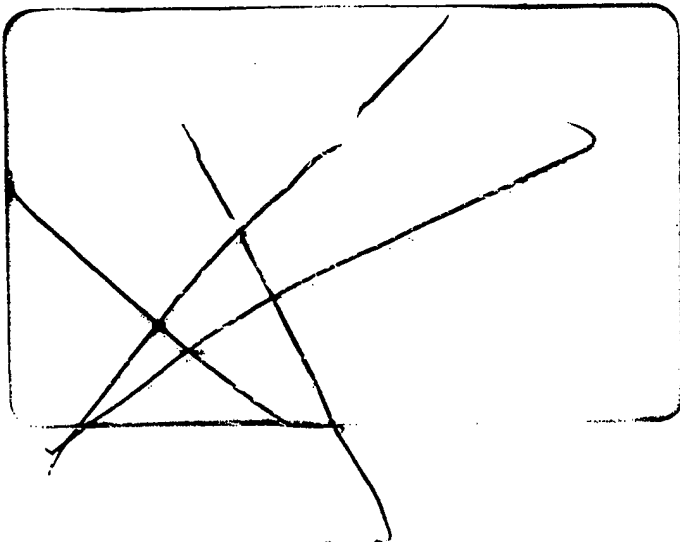
Eva-Maria Cramer / Uta Pilchowski

Jenapharm 

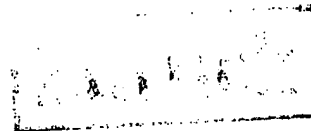
Kompetenz schafft Vertrauen
www.jenapharm.de



DEUTSCHE
POST
EURO C
0014
F 7411



Ausgeschieden



07740

Jenapharm GmbH & Co. KG
10. Feb. 2004
Posteingang
Sekretariat
Geschäftsführer

Fl

76:340/04

Jenapharm 

JENAPHARM GmbH & Co. KG
Otto-Schott-Straße 15
07745 Jena
Tel.: ++49(0)3641 645
Fax: ++49(0)3641 646085
[http:// www.jenapharm.de](http://www.jenapharm.de)
e-Mail: jenapharm@jenapharm.de

JENAPHARM GmbH & Co. KG · 07740 Jena

USt-IdNr. DE 184232114

Stadtverwaltung Herzogenaurach
Einwohnermeldeamt
Marktplatz 11

FAX-Übermittlung
Fax-Nr.: 09132/ 9 011 79

91074 Herzogenaurach

Jena, 25. Februar 2004
Cra/Telefon: (0 36 41) 64 62 21

Auskunftersuchen

Sehr geehrte Damen und Herren,


Wir bitten um Mitteilung der Anschrift von

Herrn Prof. Dr. Ludwig Wildt
Letzte bekannte Adresse:
Hauendorfer Straße 2 b
91974 Herzogenaurach-Hauendorf

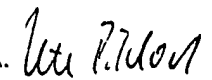
Die erforderliche Gebühr in Höhe von 5,00 EUR wird umgehend auf Ihr Konto überwiesen.

Mit freundlichen Grüßen

Jenapharm GmbH & Co. KG

i. V. 

Eva-Maria Cramer
Leiterin Patentabteilung

i. A. 

Ute Pilchowski
Patentabteilung

Fax from Jenapharm to City Administration of Herzogenaurach
Dated February 25, 2004

City of Herzogenaurach
Residents' Registration Office
Marktplatz 11
91074 Herzogenaurach

Request for Information

Dear Sir/Madam:

Could you please provide us with a current address for:

Prof. Dr. Ludwig Wildt
Last known address:
Hauendorfer Strasse 2 b
91974 Herzogenaurach-Hauendorf

We will transfer the required fee of 5.00 EUR to your account immediately.

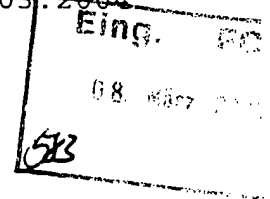
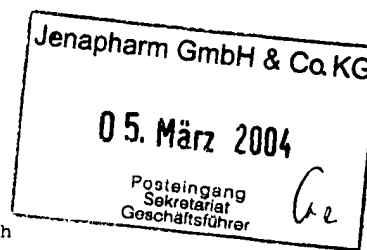
Sincerely,

Jenapharm GmbH & Co. KG

Eva-Maria Cramer, Head of Patent Department
Ute Pilchowski, Patent Department

Stadt Herzogenaurach
Einwohnermeldeamt
Marktplatz 11
91074 Herzogenaurach

03.03.2004



Stadt Herzogenaurach Marktplatz 11 91074 Herzogenaurach

Jenapharm GmbH & Co. KG

07740 Jena

Ihre Anfrage vom 25.02.2004
Az.: s. Anlage

Auskunft aus dem Melderegister

Familienname: Wildt
Bestandteile:
Doktorgrad : Dr.
Vorname(n) : Ludwig
Rufname : Ludwig

zuletzt wohnhaft in:

Haundorf
Haundorfer Straße 2 B
91074 Herzogenaurach

Rückmeldung von:

Innsbruck
Österreich

weitere Angaben sind uns nicht bekannt.

Mit freundlichen Grüßen
i.A.

City of Herzogenaurach
Residents' Registration Office
Marktplatz 11
91074 Herzogenaurach

stamp: Received by
Jenapharm GmbH & Co. KG
March 5, 2004
Secretary to CEO

To: Jenapharm GmbH & Co. KG
07740 Jena

Re: Your Inquiry dated February 25, 2004 (see Attachment)

Registration information

Family name: Wildt
Education: Dr.
First name: Ludwig
Referred to as: Ludwig

Last known address

Haundorf
Haundorfer Strasse 2 B
91074 Herzogenaurach

Reply from

Innsbruck, Austria
We have no further information.

Sincerely,

Maier

Tk 246/17.2.04

Jenapharm 

JENAPHARM GmbH & Co. KG
Otto-Schott-Straße 15
07745 Jena
Tel.: ++49(0)3641 645
Fax: ++49(0)3641 646085
http: // www.jenapharm.de
e-Mail: jenapharm@jenapharm.de

JENAPHARM GmbH & Co. KG · 07740 Jena

USt-IdNr. DE 184232114

Herrn
Prof. Dr. Ludwig Wildt
Hauendorfer Straße 2b

91974 Herzogenaurach-Hauendorf

Jena, den 17. Februar 2004
Cra/Telefon: (0 36 41) 64 62 21

**Neue US – CIP-Anmeldung zur US-Patentanmeldung 09/291,385
auf der Basis der internationalen Anmeldung PCT/DE99/00355
"PHARMACEUTICAL PREPARATIONS FOR TREATING SIDE EFFECTS DURING
AND/OR AFTER GnRHα THERAPY"
Jenapharm GmbH & Co. KG**

Sehr geehrter Professor Wildt,

auf Basis der o.g. US-Patentanmeldung wurde eine 'Continuation-in-part (CIP)
application' eingereicht.

Unser Korrespondenzanwalt übersandte dazu einige Formalpapiere, die von den
Erfindern zu unterzeichnen sind. In der Anlage finden Sie je zwei Exemplare des
Assignments und der Declaration. Bitte unterschreiben Sie in BLAU, mit vollem Vor-
und Zunamen sowie Datum an den markierten Stellen und senden Sie uns jeweils
beide Exemplare zurück.

Für die Rücksendung der Unterlagen haben wir einen Freiumschlag beigelegt.

Mit freundlichen Grüßen

Jenapharm GmbH & Co. KG

i. V. *Eva-Maria Cramer*

Eva-Maria Cramer

i. A. *Mandy Gorbauch*
Mandy Gorbauch

Anlagen

Jenapharm

To:
Prof. Dr. Ludwig Wildt
Hauendorfer Strasse 2 b
91974 Herzogenaurach-Hauendorf

February 17, 2004

**New US – CIP Application for U.S. Patent Application 09/291,385 based on
International Application PCT/DE99/00355
“PHARMACEUTICAL PREPARATIONS FOR TREATING SIDE EFFECTS
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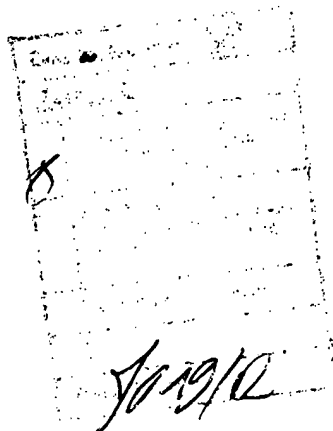
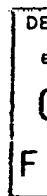
Our correspondent attorney has mailed some formal paperwork on this matter
that must be signed by the inventor. Attached please find two copies of the
Assignments and Declaration. Please sign them in blue ink, with your full first and
last names, including the date, on the lines indicated, and return both copies to
us.

An envelope is enclosed for your convenience.

Sincerely,

Jenapharm GmbH & Co. KG

Eva-Maria Cramer / Uta Pilchowski



Jenapharm GmbH & Co. KG

20. Feb. 2004

Posteingang
Sekretariat
Geschäftsführer

FC

April 6, 2004

DECLARATION

The undersigned, Dana Scruggs, having an office at 8902B Otis Avenue, Suite 204B, Indianapolis, Indiana 46216, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of Correspondence (INV.: OETTEL, M., ET AL), Ser. No.: 10/729,487.

The undersigned further declares that the above statement is true; and further, that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

A handwritten signature in cursive script, reading "Dana Scruggs", is written over a rectangular area of the document that has been shaded with a fine dot pattern.

Dana Scruggs